

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1765 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 14-8-2-169.5 IS ADDED TO THE INDIANA
- 4           CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5           [EFFECTIVE UPON PASSAGE]: **Sec. 169.5. "Motorized cart", for**
- 6           **purposes of IC 14-19-1-1, has the meaning set forth in**
- 7           **IC 14-19-1-0.5.**
- 8           SECTION 2. IC 14-8-2-185 IS AMENDED TO READ AS
- 9           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 185. **(a) "Off-road**
- 10          **vehicle", for purposes of IC 14-16-1 ~~has the meaning set forth in~~**
- 11          **~~IC 14-16-1-3~~ and IC 14-19-1-0.5, means a motor driven vehicle**
- 12          **capable of cross-country travel:**
- 13               **(1) without benefit of a road; and**
- 14               **(2) on or immediately over land, water, snow, ice, marsh,**
- 15               **swampland, or other natural terrain.**
- 16          **(b) The term includes the following:**
- 17               **(1) A multi-wheel drive or low pressure tire vehicle.**
- 18               **(2) An amphibious machine.**
- 19               **(3) A ground effect air cushion vehicle.**
- 20               **(4) Other means of transportation deriving motive power**
- 21               **from a source other than muscle or wind.**
- 22          **(c) The term does not include the following:**
- 23               **(1) A farm vehicle being used for farming.**
- 24               **(2) A vehicle used for military or law enforcement purposes.**
- 25               **(3) A construction, mining, or other industrial related vehicle**
- 26               **used in performance of the vehicle's common function.**
- 27               **(4) A snowmobile.**
- 28               **(5) A registered aircraft.**
- 29               **(6) Any other vehicle properly registered by the bureau of**
- 30               **motor vehicles.**
- 31               **(7) Any watercraft that is registered under Indiana statutes.**
- 32               **(8) A golf cart vehicle.**

1           SECTION 3. IC 14-8-2-261 IS AMENDED TO READ AS  
2           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 261.  
3           "Snowmobile", for purposes of IC **14-8-2-185** and IC 14-16, means a  
4           motor driven vehicle:

- 5           (1) designed for travel primarily on snow or ice; and  
6           (2) of a type that uses:  
7               (A) sled type runners or skis;  
8               (B) an endless belt tread; or  
9               (C) any combination of these or other similar means of  
10           contact with the surface upon which the vehicle is  
11           operated."

12           Page 2, between lines 25 and 26, begin a new paragraph and insert:  
13           "SECTION 5. IC 14-19-1-0.5 IS ADDED TO THE INDIANA  
14           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
15           [EFFECTIVE UPON PASSAGE]: Sec. **0.5. (a) "Motorized cart"**  
16           **means a conveyance that is:**

- 17           **(1) motor driven, either by gas or electricity;**  
18           **(2) used to carry passengers or equipment; and**  
19           **(3) smaller than the types of motor vehicles required to be**  
20           **registered by the bureau of motor vehicles such as a:**  
21               **(A) passenger motor vehicle (as defined in**  
22               **IC 9-13-2-123);**  
23               **(B) recreational vehicle (as defined in IC 9-13-2-150); or**  
24               **(C) truck (as defined in IC 9-13-2-188).**

25           **A motorized cart may be characterized as a golf cart, utility cart,**  
26           **or similar form of motor vehicle.**

27           **(b) The term does not include:**

- 28               **(1) an electric personal assistive mobility device (as defined**  
29               **in IC 9-13-2-49.3);**  
30               **(2) a motorcycle (as defined in IC 9-13-2-108);**  
31               **(3) a motor scooter (as defined in IC 9-13-2-104);**  
32               **(4) a motorized bicycle (as defined in IC 9-13-2-109); or**  
33               **(5) an off-road vehicle.**

34           SECTION 5. IC 14-19-1-1 IS AMENDED TO READ AS  
35           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The department  
36           shall do the following:

- 37           (1) Have the custody of and maintain the parks, preserves,  
38           forests, reservoirs, and memorials owned by the state.  
39           (2) Adopt the necessary rules under IC 4-22-2 to secure  
40           enforcement of this title, **which must include provisions for the**  
41           **use of motorized carts during the hours specified in**  
42           **IC 9-21-7-2(a)(1) at state parks and recreation areas by an**  
43           **individual who is the holder of a driver's license and who:**  
44               **(A) is at least sixty-five (65) years of age; or**  
45               **(B) has a disability as defined by the federal Social**  
46               **Security Administration guidelines (42 U.S.C. 416).**  
47           (3) Prepare, print, post, or distribute printed matter relating to the  
48           state parks and preserves.  
49           (4) Subject to the approval of the governor, purchase land for  
50           parks or preserves and scenic and historic places. For the purpose  
51           of acquiring land for parks or preserves and scenic and historic  
52           places, the commission may exercise the power of eminent

domain in the manner provided in IC 14-17-3.

(5) Accept in the name of the state by gift or devise the fee or other estate in land or scenic or historic places.

(6) Employ, with the approval of the authorities having control of a state penal institution, the convicts committed to a penal institution for the purpose of producing or planting trees, clearing, improving, repairing, draining, or developing land purchased or acquired by the state for parks or preserves or as scenic or historic places.

(7) Have the custody of all abstracts of title, papers, contracts, or related memoranda except original deeds to the state, for land purchased or received for parks or preserves or for scenic or historic purposes under this section.

(8) Cooperate with:

(A) the department of environmental management;

(B) other state agencies; and

(C) local units of government;

to protect the water and land of Indiana from pollution.

(9) Have general charge of the navigable water of Indiana."

Page 7, after line 34 , begin a new paragraph and insert:

"SECTION 13. IC 14-16-1-3 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 14-19-1-1(2), as amended by this act, the department of natural resources shall carry out the duties imposed upon it under IC 14-19-1-1(2) under interim written guidelines approved by the director of the department of natural resources.**

(b) **This SECTION expires on the earlier of the following:**

(1) **The date rules are adopted under IC 14-19-1-1(2).**

(2) **December 31, 2006.**

SECTION 15. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1765 as printed March 22, 2005.)

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Senator LEWIS